

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Jan 12, 2023**Eastern District of Washington**

SEAN F. MCAVOY, CLERK

Revised Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jose Elpidio Solorio-Bejar Case Number: 0980 2:11CR06072-SAB-2

Address of Offender: [REDACTED], Eltopia, Washington 99330

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: January 28, 2013

Original Offense: Conspiracy to Distribute Actual Methamphetamine and Aiding and Abetting,
21 U.S.C. §§ 841(a) and 846; and 18 U.S.C. § 2Original Sentence: Prison - 126 months; Type of Supervision: Supervised Release
TSR - 60 months

Asst. U.S. Attorney: George JC Jacobs, III Date Supervision Commenced: July 8, 2020

Defense Attorney: Nick Mirr Date Supervision Expires: July 7, 2025

PETITIONING THE COURT

Please Note: The original petition was filed with the Court on December 6, 2022 (ECF 235). The purpose of this petition is to reflect updated case information in violation number 4, as well as additional information in the violation report and the statutory and guideline provisions. All updated information is italicized.

On July 8, 2020, Jose Elpidio Solorio-Bejar began his term of supervised release. This same day, a probation officer reviewed the judgment and sentence with Mr. Solorio-Bejar. He acknowledged a full understanding of his conditions of supervision, signed his judgment, and was provided a copy.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

Special Condition # 16: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Solorio-Bejar is considered in violation of his supervised release by consuming a controlled substance, marijuana, on or about November 7, 2022.

Mr. Solorio-Bejar reported to the probation office on November 7, 2022, and submitted a urine sample for drug testing. The sample was presumptive positive for methamphetamine and marijuana. Mr. Solorio-Bejar denied any use and the sample was sent to the national laboratory. On November 11, 2022, confirmation was received indicating the sample was confirmed positive for marijuana and negative for methamphetamine. To be noted, the report also indicated the urine sample was diluted in two of three validity tests, which would affect the results.

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- 2 **Special Condition # 16:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Solorio-Bejar is considered in violation of his supervised release by failing to report for drug testing as required on November 29, 2022.

Mr. Solorio-Bejar was referred to Merit Resource Services (Merit) for his substance abuse treatment and was placed on the color line for drug testing. He was required to call the color line Monday through Friday, and report for testing when the color gold was called. On November 30, 2022, the undersigned received a notice from Merit advising Mr. Solorio-Bejar did not report for a drug test on November 29, 2022, when the color gold was called.

This officer met with Mr. Solorio-Bejar on November 30, 2022, and discussed his missed drug test. He admitted to not going to Merit because he had been using drugs and would be positive.

- 3 **Special Condition # 16:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Solorio-Bejar is considered in violation of his supervised release by consuming a controlled substance, methamphetamine, on or about November 28, 2022.

Mr. Solorio-Bejar reported to the probation office on November 30, 2022, at which time he admitted he had relapsed and had been using methamphetamine. He signed a drug admissions use form indicating he last used on November 28, 2022.

- 4 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Jose Solorio-Bejar is considered in violation of his term of supervised release by being arrested and charged with a new crime of unlawful possession of a firearm, (*Second Degree Unlawful Possession of a Firearm*), on or about December 3, 2022.

According to the initial report by the Pasco Police Department (PPD), at around 3 a.m. on December 3, 2022, an officer responded to a local restaurant after a report of a male causing a disturbance at the business. Upon arriving, a customer advised the officer the male, later identified as Jose Solorio-Bejar, had walked out, went to his vehicle, and then returned to the business. Mr. Solorio-Bejar was located and detained by the officer.

The officer contacted the manager who advised earlier Mr. Solorio-Bejar had purchased a drink and it did not get served to him so he threw his food and drink on the floor, and then pushed the manager before walking outside to his truck. The manager observed the defendant going to his truck and saw the interior light of the vehicle come on. The manager also advised the officer she overheard another customer tell staff to calm down because "he (Mr. Solorio-Bejar) has a strap." The officer was aware this was street language for a person who had a firearm.

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The officer went to Mr. Solorio-Bejar's truck, a black Chevrolet Silverado, and used a flashlight to look through the window and saw in plain view a pistol on the front passenger seat. After a records check was completed, the officer contacted the undersigned officer to confirm Mr. Solorio-Bejar was still on federal supervision. This officer confirmed he was on supervision and could not lawfully possess a firearm. Mr. Solorio-Bejar's truck was seized pending the execution of a search warrant. Mr. Solorio-Bejar had the keys to the truck and they were used to assist in the loading of the vehicle onto the tow truck.

The officer also viewed the security camera footage from inside the business which clearly showed Mr. Solorio-Bejar push the manager as he left the building.

Mr. Solorio-Bejar was transported to the Franklin County Jail and has been charged in Franklin County Superior Court case 22-1-50600-11, for Second Degree Unlawful Possession of a Firearm, a violation of Revised Code of Washington (RCW) 9A.10.040(2)(a)(i)(b), a Class C felony; and Fourth Degree Assault, a violation of RCW 9A.36.041(2), a gross misdemeanor.

On December 5, 2022, the undersigned officer was contacted by the PPD officer who advised the search warrant was granted and executed on Mr. Solorio-Bejar's truck. Located in his truck was a .45 caliber Sig Sauer handgun, 7.4 grams of a white substance that field tested positive for methamphetamine, and a zip lock bag with approximately 108 fentanyl pills. Photographs were taken of the items and sent to this officer.

5 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Jose Solorio-Bejar is considered in violation of his term of supervised release by being arrested and charged for assaulting another individual, (*Fourth Degree Assault*) on or about December 3, 2022.

Refer to the supporting evidence in violation 4.

6 **Mandatory Condition #3:** The defendant shall not illegally possess a controlled substance.

Supporting Evidence: Mr. Solorio-Bejar is considered in violation of his term of supervised release by being in possession of controlled substance, methamphetamine, on or about December 3, 2022.

Refer to the supporting evidence in violation 4.

7 **Mandatory Condition #3:** The defendant shall not illegally possess a controlled substance.

Supporting Evidence: Mr. Solorio-Bejar is considered in violation of his term of supervised release by being in possession of controlled substance, fentanyl, on or about December 3, 2022.

Refer to the supporting evidence in violation 4.

8 **Mandatory Condition # 5:** The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

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Supporting Evidence: Mr. Solorio-Bejar is considered in violation of his term of supervised release by being in possession of a firearm, on or about December 3, 2022.

Refer to the supporting evidence in violation 4.

The U.S. Probation Office respectfully recommends the Court accept the revised petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 6, 2023

s/SanJuanita B. Coronado

SanJuanita B. Coronado
Supervisory U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☐ The Issuance of a Summons
☒ Other - Revised Petition



Signature of Judicial Officer

1/12/2023

Date